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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/469,865	12/22/1999	MARCO WINTER	RCA-89.912	5460

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EXAMINER	
CHIEU, PO LIN	
ART UNIT	**PAPER NUMBER**
2615	

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/469,865	WINTER, MARCO	
	Examiner	Art Unit	
	Polin Chieu	2615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 February 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's arguments filed 2/5/04 have been fully considered but they are not persuasive. The Applicant argues Kawamura et al only teaches searching time code information recorded in each sector of a recording medium based on a time code specified by the user and moving a pickup to the sector of the recording medium where the time code specified by the user is located. Kawamura et al does not need to disclose a replay appliance in which a scanning device first scans a recording media because the limitations of the claims fail to recite any specific order of operation. However, the examiner believes that this feature is still met by Kawamura et al. The device does not simply move the pickup to the sector in which the desired time is located. First, the device scans the medium in the direction in which the time code exists. Next, a time code is read and it is determined whether or not the read time code is sufficiently close to the desired time code. If the time code is close the entry point information is scanned for, and if not the previous steps are repeated (col. 14, line 54 – col. 15, line 42). This iterative method of locating a desired time code requires a current time code to be stored, moving the medium in the direction of the desired time code, reading and comparing the time code, and repeating the process until the time coded is found. The examiner considers the method to first scan the medium, perform the binary search, and compare the replay time to a desired replay time.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-2 and 4-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Kawamura et al (6,075,920).

Regarding claim 1, Kawamura et al discloses a replay appliance for accessing at a defined playing time information stored on a recording medium containing information blocks (fig. 2); a scanning device for scanning data on a recording medium (col. 14, lines 54-65); search means for binary searching of the recording medium on the basis of replay time (col. 5, lines 58-67); and a comparator for comparing a replay time which has been scanned from the recording medium with a desired replay time, wherein the scanning device scans the recording medium at a point which corresponds to a result of a comparison by the comparison by the comparator to access information at the defined playing time (col. 14, line 66 – col. 15, line 42).

Regarding claim 2, Kawamura et al discloses that the search means for a binary searching is a comparator for comparing the information read from the recording medium with a binary word, and an evaluator for evaluating a recording medium replay

time contained in a file associated with the binary word (col. 14, line 66 – col. 15, line 42).

Regarding claims 4 and 5, Kawamura et al discloses that the binary word is a designator recorded on the recording medium and is a navigation sector designator (col. 5, lines 49-67).

Regarding claim 6, Kawamura et al discloses that the desired replay time is a replay time which is intended for access, at a defined playing time, to the recording medium (col. 14, line 66 – col. 15, line 42).

Regarding claim 7, Kawamura et al discloses that the desired replay time is a replay time provided within a tolerance window, for access, at a defined playing time, to the recording medium (col. 14, line 66 – col. 15, line 15).

Regarding claim 8, Kawamura et al discloses that the comparator for comparing a replay time that has been found with a desired replay time drives the scanning device to a point on the recording medium which corresponds to the result of the comparison (col. 14, line 66 – col. 15, line 42).

Regarding claims 9 and 10, Kawamura et al discloses that for access at a defined playing time, the comparator drives the scanning device to a point on the recording medium which corresponds to the defined playing time; and the scanning device is controlled using an iterative approximation method to a point on the recording method to a point on the record medium which corresponds to the defined playing time (col. 14, line 66 – col. 15, line 42).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 3 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al in view of Carter et al (5,845,331).

Regarding claim 3, Kawamura et al discloses comparing information read from the recording medium with a binary word (col. 5, lines 49-67 and col. 14, line 66 – col. 15, line 42). However, Kawamura et al does not disclose that the comparator is a mask.

Carter et al teaches a masked comparator (fig. 14B).

Digital data is packetized into bytes, which consist of 8 bits. Mask comparators allow comparison of specific bits in a byte. It would have been highly desirable to have a mask comparator so that the specific bits representing time information could be compared with the desired playback time indicated by the user.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to have a mask comparator in the device of Kawamura et al.

Regarding claim 11, Kawamura et al discloses that the binary word is a designator recorded on the recording medium (col. 5, lines 49-67).

Regarding claim 12, Kawamura et al discloses that the designator is a navigation sector designator (col. 5, lines 49-67).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hangai et al, Yumine, Iggulden et al, and Shitara disclose performing searching using time codes.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Polin Chieu whose telephone number is (703) 308-6070. The examiner can normally be reached on M-Th 8:00 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PC
March 31, 2004